

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

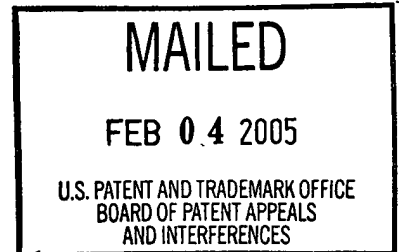
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY B. JOHNSON, ALVIN J. JOSEPH and
VIDHYA RAMACHANDRAN

Application No. 09/866,319

ORDER RETURNING UNDOCKETED APPEAL



This application was received electronically at the Board of Patent Appeals and Interferences on December 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement (IDS) on November 21, 2003. It is not clear from the record whether or not this IDS has been considered or acknowledged. The examiner needs to consider the Information Disclosure Statement and acknowledge such consideration.

Application No. 09/428,035

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration and proper written response to the Information Disclosure Statement filed November 21, 2003; and
- 2) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



KIMBERLY JORDAN
PROGRAM AND RESOURCE
ADMINISTRATOR
(571)272-9797

KJ/dpv
RA05-0182

Application No. 09/428,035

Steven Fischman, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garded City, NY 11530